# TRANSLATION PATENT COOPERATION TREATY PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference p802666/WO/1			FOR FURTHER ACTION		See Form PCT/IPEA/416			
International application No.  PCT/EP2004/012832		832	International filing date (day/month/year) 12.11.2004		Priority date (day/month/year) 11.12.2003			
		, ,	onal classification and , B62D21/					
DAIMLE	ERCHRYSLEI	R AG						
	-	_	inary examination re applicant according	_	s International Preliminary I	Examining Authority		
2. This	2. This REPORT consists of a total of 5 sheets, including this cover sheet.							
3. This	s report is also accor	mpanied by AN	NEXES, comprising	:				
a.	(sent to the C	applicant and t	o the International B	ureau) a total of <b>5</b>	sł	neets, as follows:		
	1 2 1	containing rec		_	n amended and are the basis Rule 70.16 and Section 607 o	-		
	sheets	which superse		•	onsiders contain an amendme ed in item 4 of Box No. I a			
b.		International B	ureau only) a total of	(indicate type and num	ber of electronic carrier(s))			
	related thereto	o. in computer	readable form only.	as indicated in the Supr	, containing a sequence olemental Box Relating to Se			
		_	ative Instructions).					
4. This	s report contains ind	ications relatin	g to the following ite	ms:				
$\boxtimes$	Box No. I	Basis of the	report					
	Box No. II	Priority						
	Box No. III	Non-establis	hment of opinion with	h regard to novelty, inve	entive step and industrial appl	licability		
	Box No. IV	Lack of unity	y of invention					
	Box No. V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
	Box No. VI	Certain docu	ments cited					
	Box No. VII	Certain defe	cts in the internationa	l application				
$\boxtimes$	Box No. VIII	Certain obse	rvations on the intern	ational application				
Date of submission of the demand				Date of completion of	this report			
Name and mailing address of the IPEA/EP				Authorized officer				
Facsimile No.				Telephone No.				

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012832

Box No. 1	I	Basis of the report						
	_	to the language, this report is based on the international termination that item.	onal application in the language in	which it was filed, unless otherwise				
	-	port is based on translations from the original languals the language of a translation furnished for the purp		,				
	international search (Rule 12.3 and 23.1(b))							
	р	ublication of the international application (Rule 12.4	4)					
	ir	nternational preliminary examination (Rule 55.2 and	/or 55.3)					
rece	_	to the <b>elements</b> of the international application, this fice in response to an invitation under Article 14 as	• •	· ·				
	the inte	ernational application as originally filed/furnished						
	the des	cription:						
	pages	1,4-9		as originally filed/furnished				
	pages*	2,3,3a	received by this Authority on	/filed with the demand				
	pages*		received by this Authority on					
$\boxtimes$	the clai	ms:						
	nos.			as originally filed/furnished				
	nos.*		as amended (togethe	er with any statement) under Article 19				
	nos.*	1-10	<del>-</del>	/filed with the demand				
			_					
	the drav							
	sheets	1/3-3/3		as originally filed/furnished				
	sheets*		_					
	sheets*		_ received by this Authority on					
	a seque	ence listing and/or any related table(s) – see Supplen	nental Box Relating to Sequence L	isting.				
3.	The am	nendments have resulted in the cancellation of:						
	tl	he description, pages						
	tl	he claims, nos.						
	tl	he sequence listing (specify):						
		ny table(s) related to sequence listing (specify):						
4.		port has been established as if (some of) the amend we been considered to go beyond the disclosure as fi	<b>-</b>					
	tl	he description, pages						
		he claims, nos.						
		he drawings, sheets/figs he sequence listing (specify):						
		he sequence listing (specify):						
* If it		ny table(s) related to sequence listing (specify):lies, some or all of those sheets may be marked "sup						

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012832

Box			ticle 35(2) with regard to novelty, inventive step or industrial applicability; oporting such statement			
1.	Statement					
	Novelty (N)	Claims	1-10	YES		
		Claims		NO		
Inventive step (IS)		Claims	1-10	YES		
		Claims		NO		
	Industrial applicability (IA)	Claims	1-10	YES		
		Claims		NO		
2.	Citations and explanations (Rule 7	(0.7)				
	This repor	t mak	es reference to the following			
	document(s	):				
	D1: DE2853	621A				
	D2: US6520	565A				
	D3: EP1164	073A				
	D1 and D2 are regarded as the prior art closest to					
	the subject matter of claim 1.					
	D1 -1'7	/ _ ]				
	D1 discloses (the reference signs in parentheses					
	refer to Di	·	ash aumnowting atmosphuse for a			
			cab supporting structure for a			
		_	hicle, a safety cell being arranged r's cab (3) with a front area and a			
			facing the cargo hold, and a sitting			
			eing surrounded by a rigid safety			
			o which a deformation area (8) for			
			deformation energy connects between			
		_	g area (1) and the cargo hold.			
			g area (r) and ene cargo nora.			
	D2 likewise	e dis	closes (the reference signs in			
	parenthese	s ref	er to D2):			
	a dri	ver's	cab supporting structure for a			

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

utility vehicle, a safety cell being arranged in a driver's cab (3) with a front area and a rear side facing the cargo hold, and a sitting area being surrounded by a rigid safety cell (4) to which a deformation area (5; cf. column 4, lines 28-32) for absorbing deformation energy connects between the sitting area and the cargo hold.

The subject matter of claim 1 differs from these known structures in that the safety cell is cage-like and a portion of the longitudinal support behind the sitting area is embodied as a deformation area.

The first feature can be rendered obvious by the prior art, because a person skilled in the art already knows that a cage-like structure for a safety cell is advantageous, since, in the event of a collision, it largely maintains its original shape (cf. D3, for example).

In contrast, the second feature is not rendered obvious by the prior art, because none of the cited documents shows a longitudinal support with a deformation area.

Claims 2-10 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

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### Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 lacks clarity because the longitudinal support mentioned in the characterizing part is not defined. Therefore it cannot be determined whether this longitudinal support belongs to the safety cell or whether it is part of the utility vehicle chassis. In order for the longitudinal support to fulfill its function, the driver's cab support structure has to have the following features that are essential for the definition of the invention:

- the driver's cab is positioned on a driver's cab support surface and
- the safety cell is embodied such that the longitudinal support is displaceable in relation to a vehicle frame.

Since independent claim 1 does not contain these features, it does not meet the requirements of PCT Article 6 in conjunction with PCT Rule 6.3(b) that every independent claim shall contain all of the technical features essential for the definition of the invention. The features should be placed in the preamble of claim 1, since they are known from D2.